

Reporting Period:

January-December 2024

Questions? Contact: ethics@ana.net

ANA

**ETHICS
COMPLIANCE
REPORT**



ANA Center for Ethical Marketing

Best Practices & Compliance Resources Background

ANA, as a leader in self-regulation, offers a robust data accountability toolkit to assist businesses and consumers in building trust in marketing:

- ▶ **Ethics Code of Marketing Best Practices** set a high bar for responsible marketing yet are flexible enough to address ongoing challenges in technology, markets, consumer interest and new business practices
- ▶ **Committees** to knowledge-share and learn
- ▶ **Compliance Resources** for all modes of marketing: direct mail, digital advertising, email, text, and voice
- ▶ **Consumer-Facing Choice Tools** to honor consumers' marketing preferences

Self-
Regulation:
Guidance and
Programs

Best Practices
for Direct
Marketers

Best Practices
for Digital
Marketers

Dispute
Resolution
Services

Accountability
Reporting

Consumer
Help



ANA Center for Ethical Marketing Key Compliance Findings



4,342 consumer inquiries processed by ANA
Accountability staff:

2,672 general marketing ethical inquiries
1,670 online/Interest-based ad inquiries



The number of complaints handled remained
steady in both 2023 and 2024:

4,309 general and online ad inquiries in 2023
4,342 general and online ad inquiries in 2024



Top areas of concern for online advertising remain:

Data Security
Ad Blocks Content
Opt-Out Choices for Consumers



Top consumer concerns are honoring consumers'
marketing preferences in direct mail and online
advertising:

Consumers continue to seek more control in the amount and
types of promotional mail and online display ads they receive



Majority of consumers contact ANA by:

Emailing and submitting online complaint forms: 4,210
inquiries received in 2024

Ethics & Doing the Right Thing

Guidance for Organizations:

Data privacy protection is expected by consumers and should be reviewed frequently by companies

Review your privacy policy frequently and when you make changes to your practices to update your terms and conditions - include a legal review

Provide clear, honest terms and conditions for your marketing and advertising offerings

Portray individuals in marketing offers accurately and respectfully

Provide copy in offers in accessible formats for all individuals

Keep up-to-date with state, federal and global regulations and laws which may have specific notice & choice requirements



Provide and Honor Consumer Marketing Choices



- ▶ Provide choice for the types of marketing messages consumers receive and honor those choices
- ▶ Provide a clear point of contact for consumers to select their marketing preferences and communicate their concerns
- ▶ Subscribe to data hygiene tools such as DMAchoice.org to help ensure your marketing offers are reaching your intended audience

Mailing List Hygiene:

- ▶ Most consumers contacting the ANA in 2024 are seeking help with too many marketing offers.
- ▶ We have a consumer service, DMAchoice.org, that can help reduce unwanted mail offers.
- ▶ Mailers of all sizes participate, and the ANA encourages all members to use the service as a best practice for consumers.



Consumer Choice Tools

DMACHoice
ANA Consumer Preference Service

ANA offers a variety of tools to assist consumers in managing marketing messages - delivered to the mailbox, email or phone.

DMACHoice
(mail opt-out service)

Deceased Do Not Contact List

Do Not Contact List for Caretakers

Email Opt-Out Service

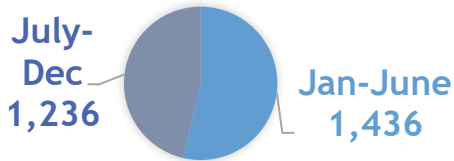


Have a question on a marketing or fundraising offer or need more information on how to better manage your marketing experience: [file an inquiry with the ANA.](#)

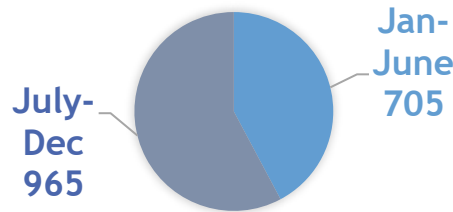


Over 4,300 Consumer Inquiries Processed in 2024 by ANA Center for Ethical Marketing

GENERAL MARKETING ETHICS ISSUES



DIGITAL AD INQUIRIES



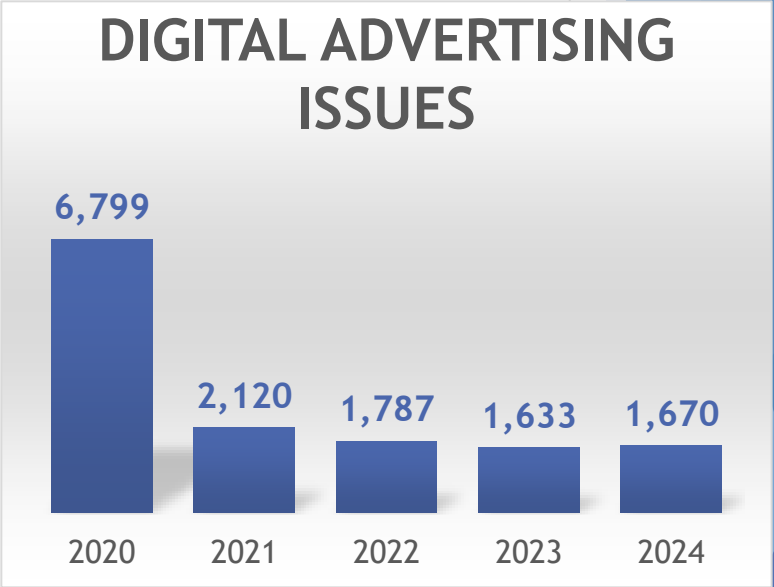
In 2024: processed 4,342 inquires

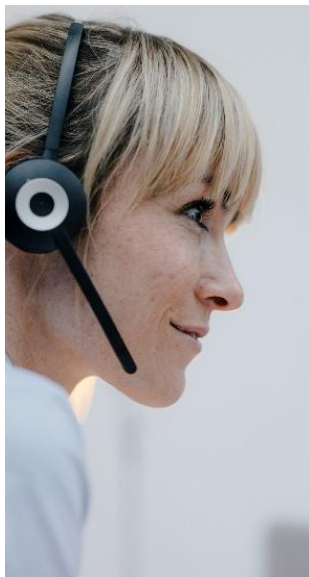
January - June: processed 2,141 inquiries.

July - December: processed 2,201 inquiries.

Consumer Inquiries Processed

2020 | 2021 | 2022 | 2023 | 2024





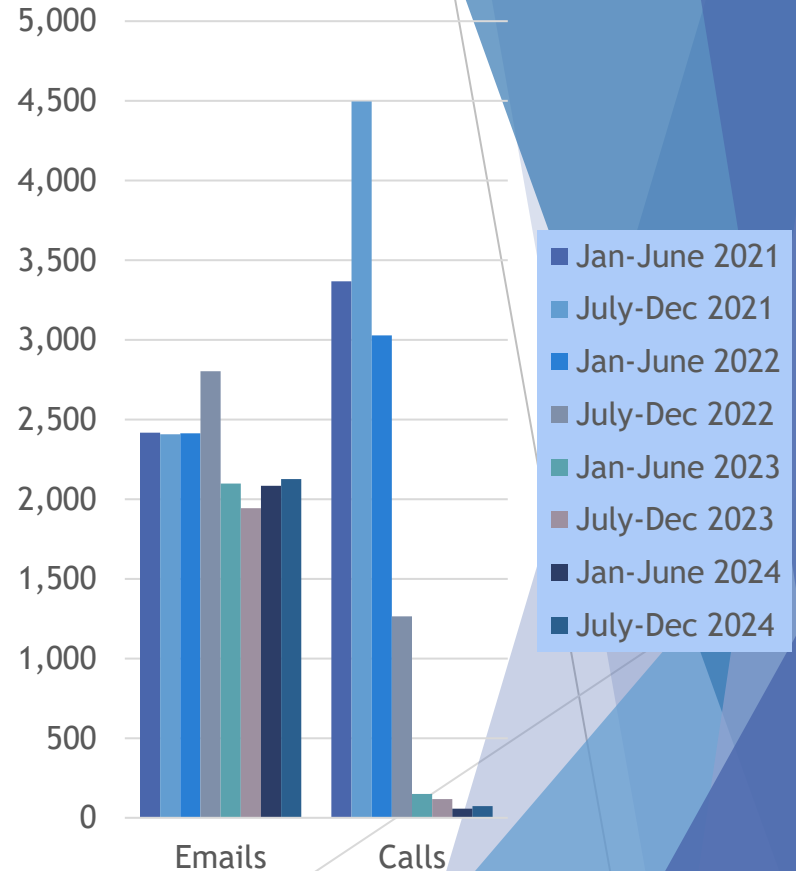
Consumer Inquiries: Direct Marketing & Ethics

How are Consumers Contacting the ANA?

- Consumers continue to use email and online forms to contact ANA for complaint handling.
- ANA's DMAchoice phone tree system is providing consumers with the requested services and tools.

Tips:

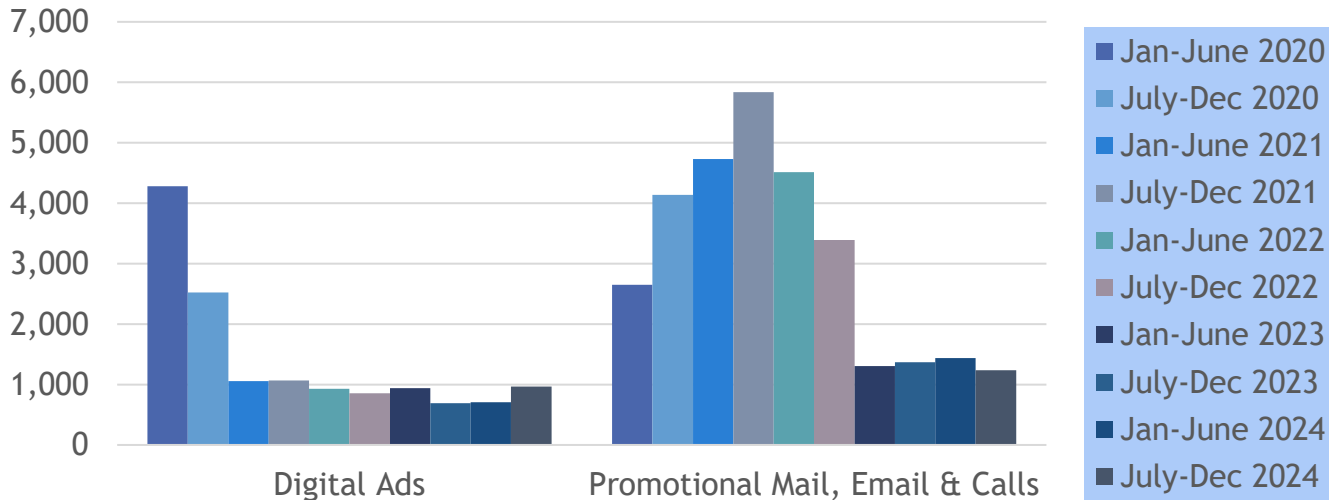
- Companies should provide consumers with an easy and accessible way for removal from company-specific mailings.
- DMAchoice should be used to supplement the company's in-house suppression.



Consumer Marketing Inquiries

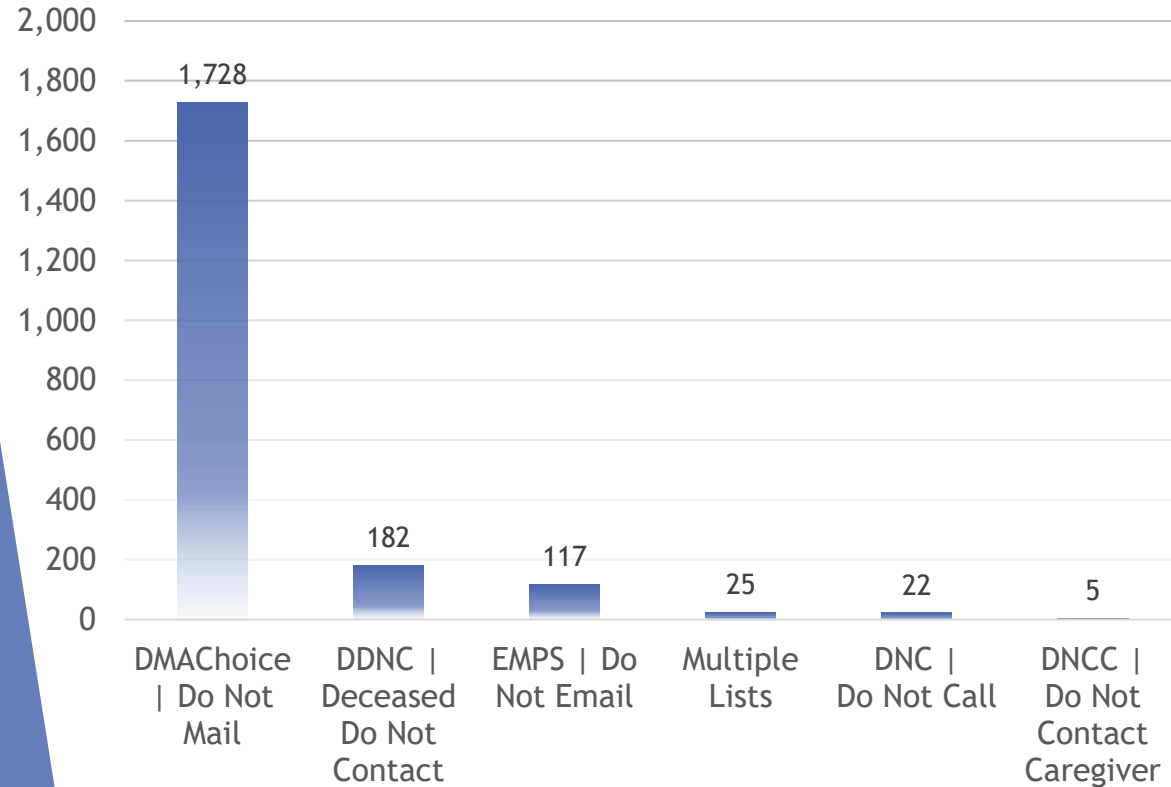
Those requesting additional clarity/information for received marketing promotions.

2020-2024



Consumer Inquiries in 2024

Preference Services

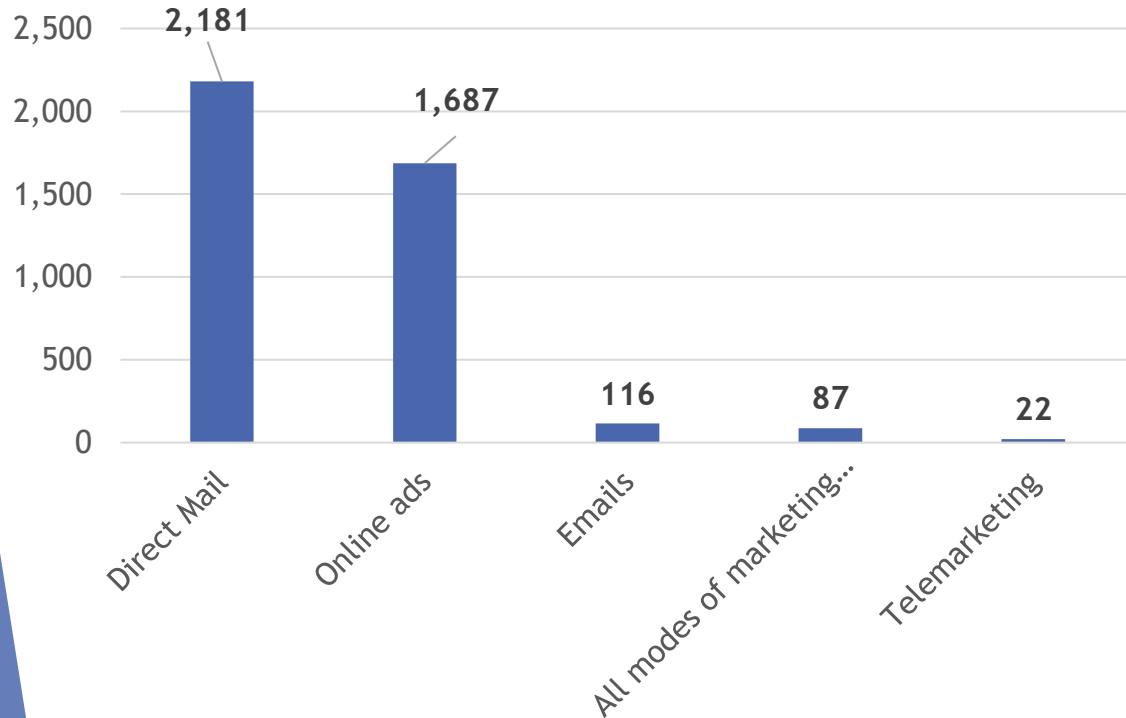


ANA Ethics Compliance Report: January - December 2024

- Consumers are most interested in tools to better manage the **promotional mail** offers they receive.
- ANA offers preference services to assist consumers in managing mail, email and calls.
 - [DMAchoice](#) is the most requested tool – assists consumers in reducing unwanted promotional mail.
 - Additional tools offered for name removal:
 - ✓ Family members and others who are taking care of those who need extra assistance including mailed offers
 - ✓ Family members of the deceased
 - ✓ Email opt-out service
 - ✓ Wyoming and Pennsylvania Do Not Call Lists

Consumer Inquiries

By Marketing Channel



ANA Ethics Compliance Report: January - December 2024

For Direct Mail
Main areas of concern:

- **Marketing Mail Removals:**
 - General mailing lists (DMAchoice)
 - Specific company and charity mailing removals
 - Deceased removals
 - Caretakers seeking removal from those in their care
 - Resident mailers (EDDM)
 - Prescreened offers
 - Misdirected mail
- **Deceptive offers**
 - Extended warranties (car, appliances, home, & lenders)
 - Sweepstakes

Digital Advertising:

Interest-Based Advertising and Other Digital Consumer Concerns



Best Practices, Industry and Consumer Choice Tools for Digital Marketing

[The Digital Advertising Alliance \(DAA\)](#) has created an industry-supported program and tools to guide companies on the appropriate notice and choice they should be providing to consumers, enabling them to manage their online interest-based ad experience. As a founding member and a compliance partner of the DAA, the ANA assists consumers in better managing their online interest-based ad experience through education and enforcement of the DAA opt-out tool.

Interest-Based Online Advertising

- [Digital Advertising Alliance's \(DAA\) Self-Regulatory Program for Interest-Based Advertising](#)
- [IBA Data Compliance Checklist](#)
- [Tips to Create a Privacy Policy](#)

Email and Mobile Marketing Compliance

- [A Digital Marketer's Guide to Canada's Anti-Spam Law "CASL"](#)
- [CAN-SPAM Act](#)
- [Email Opt-Out Service](#)
- [Wireless Ported Numbers File](#)
- [Wireless Block Identifier](#)



Consumer Issues:



Needing guidance on how to opt out of interest-based ads

Data Security

Item never received

No ads, especially on cell phones

Ads blocking content

Interfering with games, content, news & movies

Offended by content of ads

Out of context - didn't match site it was on

Scam offer

Not relevant

AI concerns

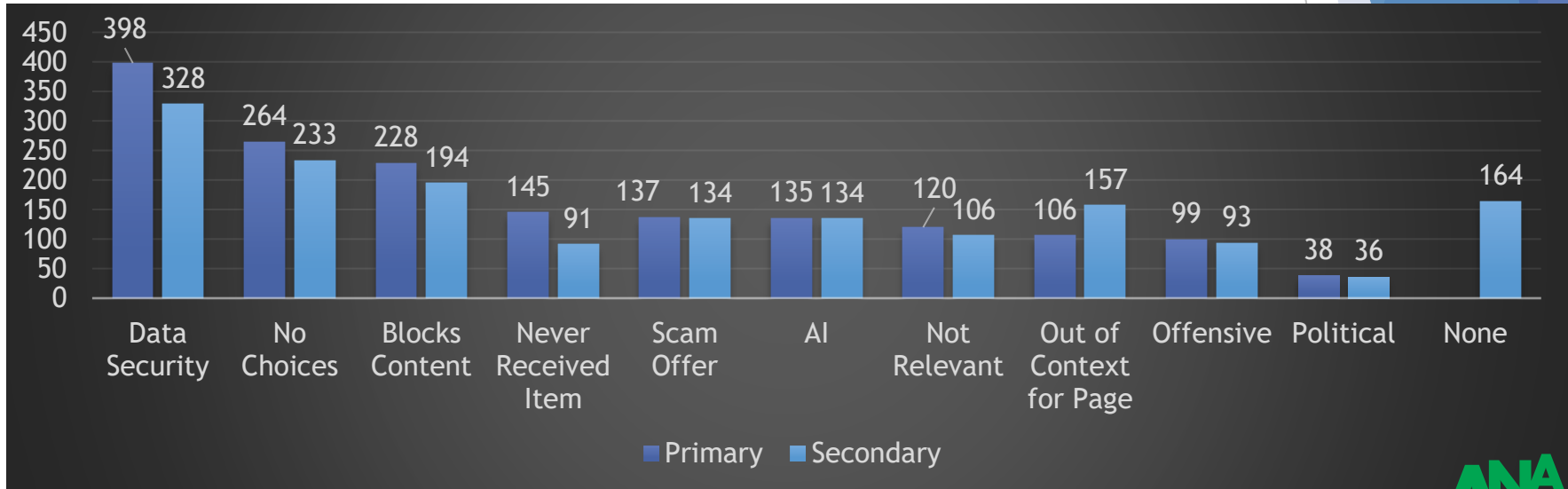
Objecting to being served political ads

Primary & Secondary Online Ad Concerns YTD

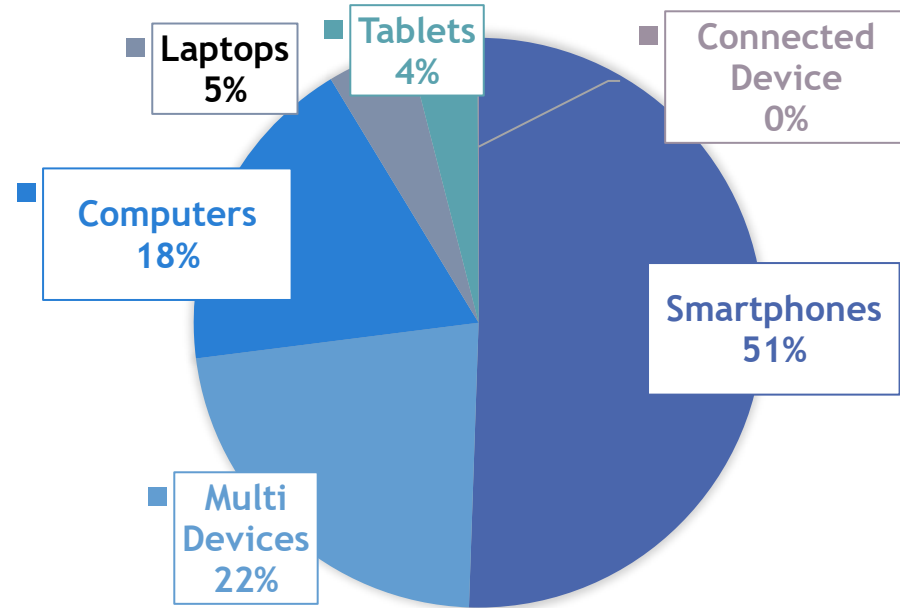
Top areas of concern:

- Data Security
- Opt-Out Choices for Consumers
- Ad Blocks Content

Added
AI option
mid-
March



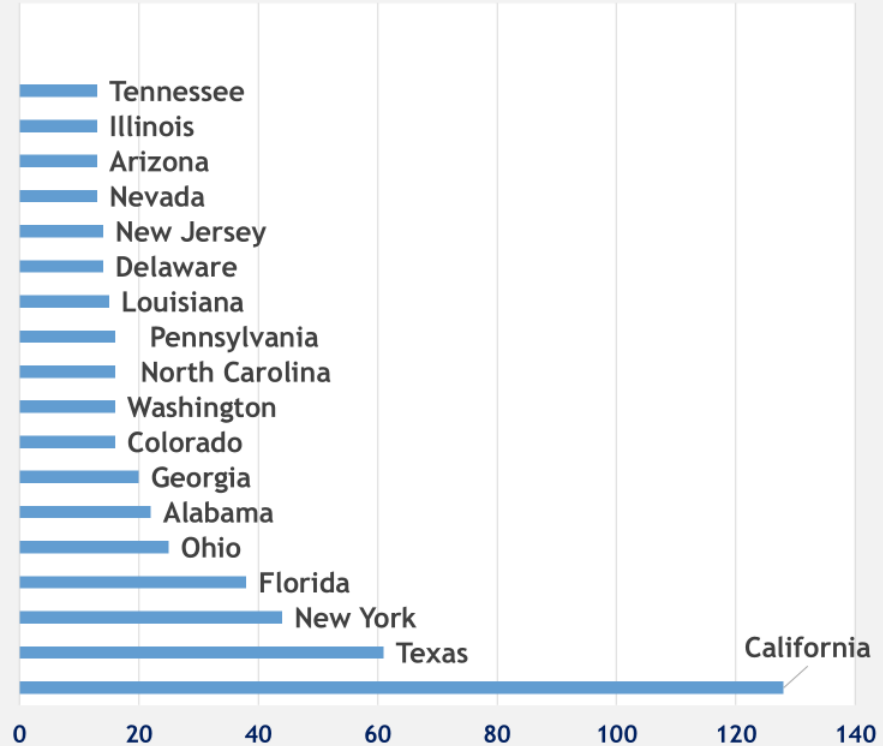
Online Ad Inquiry by Device: 2024



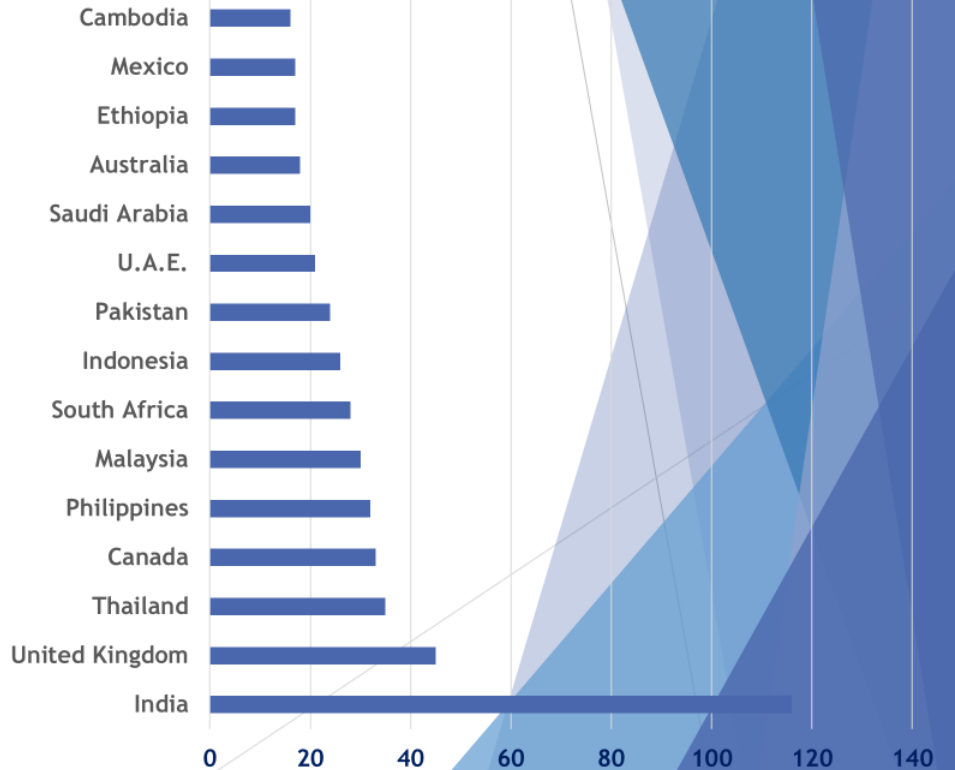
Origination of Complaints

ANA Compliance Report for DAA: January-December 2024 Reporting

United States: 981 inquiries



Top Global Inquiries: 689 inquiries



The background features a pair of scales of justice, rendered in a blue-tinted, semi-transparent style. The scales are positioned on the left side of the frame, with the pans hanging from a central vertical beam. The lighting creates soft shadows on the surface below. The overall aesthetic is professional and legal.

ANA Ethics Review Committee Casework Reporting

ANA Compliance Report: January-December 2024 Reporting



ANA Ethics Review Committee: Casework for January - December 2024

12 Cases Resolved

- removals (mail, email and text)
- digital ad - concerns about content and choice
- data minimization - email preference center
- aggressive in-person sales calls

10 Cases Closed and Referred: Out-of-Compliance

- false sense of urgency and potential deceptive copy (i.e., issued temporary ids, included a “check”)
- unclear who is sending the offer
- offer appears to be an invoice
- required purchase for sweepstakes entry
- sweepstakes terms and conditions
- no method for opt-outs, unsubscribe mechanism not working



10 Pending Cases

- removals (mail, email, calls/texts)
- deceptive copy, unclear who is sending, false sense of urgency, offer looks like an invoice, looks like an IRS form and looks like it’s coming from the government
- no method for opt-outs
- served online ad out of context for site (gambling ad served on “children’s” gaming site)

2 Tabled Cases

Closed and Referred Cases

Distribution Processing Center | Georgia

Evercare Direct | Arizona

Home Service Agreement | Illinois

Home Warranty Division | Illinois

Labor Poster Compliance | Pennsylvania

Law Office of Bryan Fagan | Texas

Miniso Depot Inc. | California

SP Activation Services | Illinois

SureGuard USA | Missouri

Triple-7's

Review complete list of companies, issues and violations of industry standards: [Public Report of Non-Compliant Companies | ANA](#)

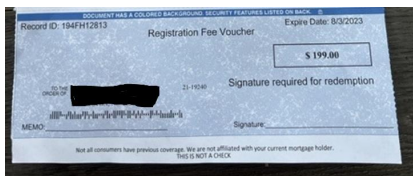
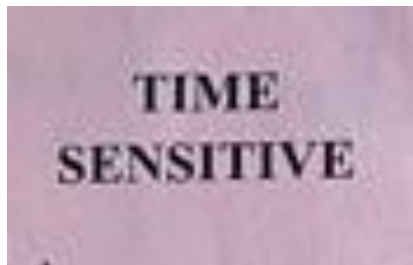
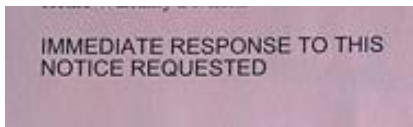


Trends...

Uptick in cases involving:

- ▶ **Car dealerships** - consumers seeking assistance in being removed from promotional mail, email and texts. Some dealerships do not post privacy policies or provide a clear and accessible method for consumers to opt out of receiving offers.
- ▶ **Extended warranty offers** - cars and appliances and from housing lenders - involving potentially deceptive and misleading copy involving false sense of urgency and no clear and accessible method for consumers to opt out of receiving offers.
- ▶ **Deceptive offers** - false sense of urgency, looks like it's coming a federal or state agency, unclear who is sending the offer and/or appears to be an invoice when it's a promotional offer.
- ▶ **Sweepstakes** - pay-for-play schemes.
- ▶ **Texts and permissioning** - not providing advance notice and choice requirements.

Direct Marketing Complaints Examples of Deceptive Design & Copy Practices (dark patterns)



- ▶ Bait and switch
- ▶ Hidden costs that are not disclosed in advance to a potential purchaser
- ▶ Forced continuity without the ability to cancel or imposing roadblocks to cancellation
- ▶ Burying important information in hard-to-read disclosures
- ▶ False sense of urgency
- ▶ Disguising advertising, such as claiming to be an invoice for a warranty, or an issued “check” for a sweepstakes when it is a promotional offer
- ▶ Claiming to be coming from a government agency

Deceptive Copy:

Extended Warranty/Lender Offers: Closed and Out of Compliance

Out of compliance: SureGuard USA, SP Activation, Home Service Agreement, Home Warranty Division, Labor Poster Compliance, Distribution Processing Center

Best Practices:

- ✓ Make sure copy and offer is clear, accurate and complete.
- ✓ The overall impression of an offer should not be contradicted by individual statements, representations, or disclaimers.
- ✓ Offers that are likely to be mistaken for bills or invoices should not be used for promotional efforts.
 - ✓ Don't issue ID cards or "checks" in an offer
 - ✓ Don't imply that the recipient is a current customer
- ✓ Copy should not infer an invoice when it's a promotion.
- ✓ Don't give a false sense of urgency with copy and tone.
- ✓ Make sure it's clear who is sending the offer.

PROTECTION TEMPORARY IDENTIFICATION CARD		PROTECTION TEMPORARY IDENTIFICATION CARD	
OWNER [REDACTED]	Customer ID [REDACTED]	OWNER [REDACTED]	Customer ID [REDACTED]
EFFECTIVE DATE PENDING 11/24/23	EXPIRATION DATE 12/09/23	EFFECTIVE DATE PENDING 11/24/23	EXPIRATION DATE 12/09/23
CAR-YEAR/MAKE/VEHICLE 2021 JEEP CHEROKEE		CAR-YEAR/MAKE/VEHICLE 2021 JEEP CHEROKEE	
COVERAGES NEW CAR/ RENTAL,24ASST, POWERTRAIN TOW COVERAGE		COVERAGES NEW CAR/ RENTAL,24ASST, POWERTRAIN TOW COVERAGE	
AGENT [REDACTED] SUREGUARD USA 1 MID RIVERS MALL DR SAINT PETERS,MO 63376-4322		AGENT [REDACTED] SUREGUARD USA 1 MID RIVERS MALL DR SAINT PETERS,MO 63376-4322	
SureGuard USA		SureGuard USA	

Must Activate Policy With A State Licensed Agent

DOCUMENT HAS A COLORED BACKGROUND. SECURITY FEATURES LISTED ON BACK. ©

Record ID: 194FH12813 Registration Fee Voucher Expire Date: 9/3/2023

\$ 199.00

TO THE ORDER OF [REDACTED] 21-19240 Signature required for redemption

MEMO: [REDACTED] Signature: _____

Not all consumers have previous coverage. We are not affiliated with your current mortgage holder.



Failure to call and prevent a potential lapse of coverage could result in you being liable for all costs associated with any home repairs.

Email Case:

Closed and Out of Compliance Miniso

Issue: Unable to be removed from company's promotional emails

Tips:

- ▶ Have a working unsubscribe link/function in every promotional email you send.
- ▶ Honor unsubscribe requests within 10 business days.
- ▶ Ensure your offer is clear, accurate and complete.
- ▶ [Review FTC's CAN-SPAM Act: A Compliance Guide for Businesses](#)
- ▶ [Review ANA's Consumer Email Tips](#)

Company Resolution:

- ▶ Unsubscribed complainant.





Text Case:

- Was under Ethics Review and company came into compliance

Issues: Complainant did not sign-up to receive text promotional offers from car dealership, provided no clear opt-out method, and no posted privacy policy.

Tips:

There are specific legal rules to follow when engaging in promotional texting under the Telephone Consumer Protection Act (TCPA). Some examples:

- ▶ Obtain prior express written consent from the consumer.
- ▶ Provide a clear and conspicuous disclosure that the entity will be sending texts.
- ▶ Provide entity's (sender's) identity and opt-out instructions in every text that is sent.
- ▶ Provide a way for consumers to reply directly to the text message to opt-out.
- ▶ Should honor opt-out requests within 10 business days.

Sweepstakes Cases:

- Closed and Out-of-Compliance


Out of Compliance: Requiring a purchase to enter sweepstakes – Triple-7s.

Organization increased the number of sweepstakes entries provided – the higher the membership level purchased; thereby, increasing the odds of winning the higher purchased membership plan. Additionally, removed online method of entry for nonmembers while sweepstakes was occurring.

Tips:

- ▶ There are specific rules to follow when running a sweepstakes! Such as no purchase necessary to win and a purchase does not increase your odds of winning.
- ▶ [Review ANA's industry standards](#)
- ▶ [ANA offers consumer guidance on sweepstakes](#)

Sweepstakes Winner!

RX7 Giveaway  Inbox



to contactus ▾

6:56 AM



How do I enter your giveaway without making a purchase?



Triple 7s Support 8:31 AM

to me ▾



In order to enter the giveaway, you will have to make a purchase. We offer digital art for \$2 and that will get you entered to win the Rx7 (1 entry). If you go to our website it lets you know how many entries you get for which item you are buying. Hope that clears things up for you!

Thank you!

contactus@triple-7s.com

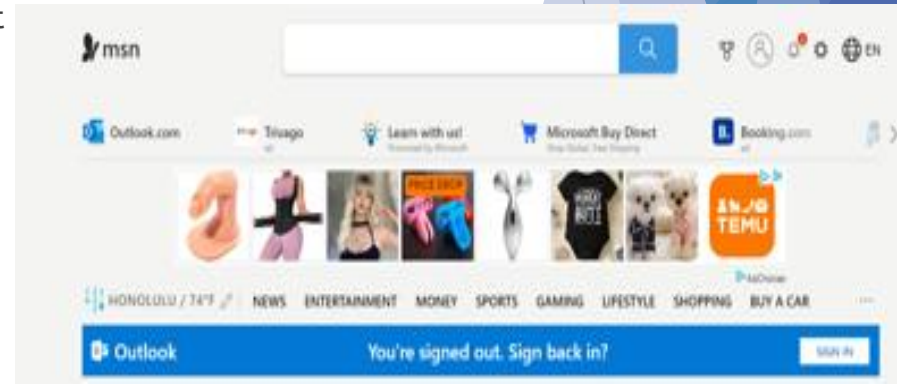
Triple 7's

Instagram | Giveaway Website

Online Ad Case: Objectionable Content

Resolved

- ▶ Complainant was concerned about receiving directed IBA ads (TEMU) on her work computer that appeared to suggest adult-oriented toys and clothing which was inappropriate for a work computer.
- ▶ Potential Guideline violations: IBA, Transparency, Notice and Choice
- ▶ Company took steps to address issue:
 - ▶ Discontinued displaying ads that are perceived as adult-oriented due to their size/shape
 - ▶ Discussed how they reviewed their advertising content
 - ▶ Clarified use of DAA IBA logo





Historical Case Issues

Privacy Policy Case: Closed and Out of Compliance

Issues: Senior Resource Group provides no means for opting out of mail; no online privacy policy; and no physical address listed on mailing or website.

Tips:

- ▶ Provide proper and applicable notice and choice to prospective and current customers.
- ▶ Involve representatives from different departments of your organization to ensure privacy policy is accurate and complete.
- ▶ [Review ANA's Tips to Create a Privacy Policy](#)



Product Availability and Shipment Case: Closed and Out of Compliance



Issues: Item is listed on The Gaming Goat's website for being in-stock. Consumer paid for item, but it was never delivered, and no refund was issued.

Guideline violations:

- ▶ Honesty and Clarity of the Offer
- ▶ Conditions
- ▶ Product Availability and Shipment
- ▶ Poor customer service



Closed and In Compliance

Issue: Customer service representative informed consumer they will only honor opt-out requests from customers not prospects.

Tips:

- Front-line customer service representatives should be properly trained on how to add consumers to its Do Not Contact and Do Not Share Lists - should include prospects and customers.
- ANA has a mail suppression service: [DMAchoice](#) - consumers can register to reduce the overall volume of prospect promotional mail. Should be used to supplement an organization's internal suppression process.

Company Resolution:

- Terminated relationship with third-party who was not fulfilling commitment to handle opt-out requests. Placed complainant on its Do Not Contact and Do Not Share Lists.

Online Ad Case:

Out of Compliance, Closed and Referred to FTC

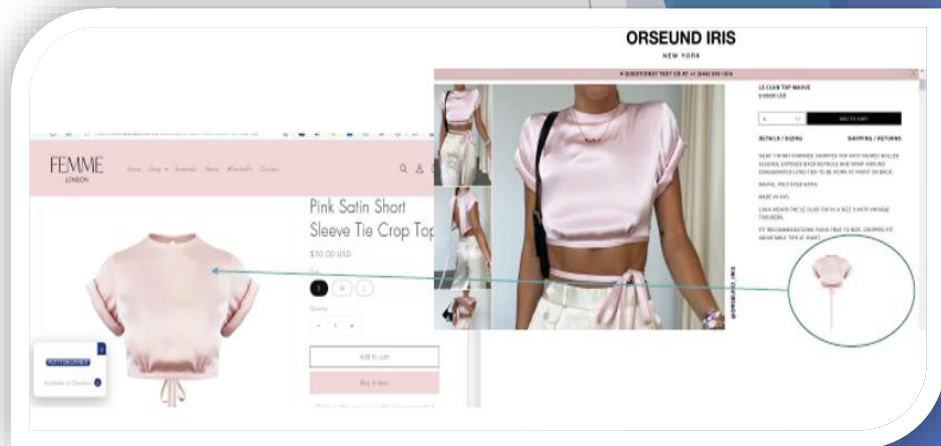
Issue: Femme London promoted its discount clothing line using high-end fashion clothes designer photos in-place of its own and displayed an incorrect company phone number and address. Additionally, complainant never received item purchased.

Guideline Violations:

- Be an ethical and accountable marketer (*Member Principles*).
- Clearly, honestly and accurately represent your products, terms and conditions
- Photographs should be accurate portrayals and current reproductions of the products you represent.

Legal Violations:

- **Copyright infringement:** possible use of photos without the proper consent.
- **Fair Credit Billing Act:** charges for goods that are not received by the consumer.



Unordered “Free” Merchandise Case:

Issue: Received unwanted “free gift” with invoice for one-year subscription after canceling father’s subscription.

- “Free gift” included an additional \$10 for shipping and handling charges.
- Consumer didn’t know why she received gift and never ordered subscription.

Tips:

- Make sure copy and offer is clear, accurate and complete.
- If a product or service is offered as “free,” all qualifications and conditions should be clearly and conspicuously disclosed, in close conjunction with the use of the term “free” or other similar phrase.
- Upon request from consumer, suppress from future marketing offers in a timely manner.

Company Resolution:

- Notified consumer that she may keep “gift” – free-of-charge.
- Added her to suppression file.



ANA Resources

- ▶ Industry
- ▶ Consumers



ANA Center for Ethical Marketing

GUIDELINES

- ▶ [ANA Ethics Code of Marketing Best Practices](#)
- ▶ [Public Report of Non-Compliance](#)

INDUSTRY COMPLIANCE RESOURCES

- ▶ [ANA DPF Dispute Resolution Services for Businesses](#)
- ▶ [How To Construct Your Privacy Policy](#)

CONSUMER COMPLIANCE RESOURCES

- ▶ [Consumer Help](#)
- ▶ [Choice – Consumer Mail Management Service](#)
- ▶ [ANA DPF Dispute Resolution Services for Consumers](#)
- ▶ [Consumer Email Tips](#)
- ▶ [Guidance for Consumers on Sweepstakes & Prize Promotions](#)

TO FILE A COMPLAINT:

direct mail, email, calls, texts, or
online ads

CONTACT US:

ANA Center for Ethical Marketing
2020 K Street NW, Suite 660
Washington, DC 20006
ethics@ana.net

Consumer Resources

- ▶ [DMACHoice: Mail Opt-Out Service](#)
- ▶ [Digital Advertising Alliance \(DAA\): Online Interest-Based Ad Choice Tool](#)
- ▶ [Opt-Out Prescreen](#)
- ▶ [Resident Mailings](#)
- ▶ [Federal Trade Commission: Consumer Information](#)
 - ▶ [Identity Theft](#)
 - ▶ [National Do-Not-Call-Registry](#)
 - ▶ [Report Fraud](#)
- ▶ [Federal Communications Commission: Consumer Help Center](#)
- ▶ [Internet Crime Complaint Center \(IC3\)](#): report cyber-enabled crime - run by the FBI
- ▶ [Consumer Financial Protection Bureau](#): submit complaints about financial products and services
- ▶ [U.S. Postal Inspection Service](#): contact for issues about mailed offers
- ▶ [State Consumer Protection Agency](#): file complaints about local businesses
- ▶ [United Way 211](#): comprehensive source of information about local resources and services



Self-Regulation Works! See Something, Say Something - Report to ANA

- ▶ Complaint/Case Handling Process
- ▶ How to File a Marketing or Fundraising Complaint
 - ▶ General Marketing & Ethics Complaint
 - ▶ File an Interest-Based Online Advertising Complaint
 - ▶ File an Online Political Ad Transparency Complaint
- ▶ Review Out-of-Compliance Companies



Center for Ethical Marketing:

Industry Tools, Resources and Learning Opportunities for ANA Members

- ▶ ANA Ethics Marketing Code of Best Practices
- ▶ Ethics Code Steering Committee
- ▶ Ethics Policy Committee
- ▶ Ethics Review Committee
- ▶ Ethics Compliance Reporting
- ▶ Ethics Webinars
- ▶ Weekly Ethics Spotlight in Emailed Advisor
- ▶ Bi-weekly Call on Legislative, Ethical and Government Affairs

Get Social!

Companies:

- ▶ [ANA Ethics LinkedIn Group](#)
- ▶ [ANA Ethics Company Page](#)
- ▶ [@anamarketingethics on Threads](#)

Consumers:

- ▶ [Instagram](#)
- ▶ [Threads](#)
- ▶ [Facebook](#)
- ▶ [YouTube](#)
- ▶ [TikTok](#)



ethics@ana.net